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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,225	04/16/2004	Kenneth J. Mellet	0730.0022CNT	7270
27896	7590	02/27/2006	EXAMINER	
EDEL, SHAPIRO & FINNAN, LLC 1901 RESEARCH BOULEVARD SUITE 400 ROCKVILLE, MD 20850			DEXTER, CLARK F	
			ART UNIT	PAPER NUMBER
			3724	
DATE MAILED: 02/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/825,225	Applicant(s) MELLET, KENNETH J.	
	Examiner Clark F. Dexter	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/646,678.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/16/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/646,678, filed on September 20, 2000.

Information Disclosure Statement

2. The information disclosure statement filed on April 16, 2004 has been received and the references listed thereon have been considered.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Australian Publication 45692/79 (hereafter AP '692) in view of Frederick, pn 4,086,835 and Stanley, pn 3,559,568.

AP '692 discloses an apparatus (e.g., in Fig. 1) with almost every structural limitation of the claimed invention including a platform (e.g., the rectangular structure that encloses substantially all of the elements and includes vertical walls, horizontal

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walls and the shelf-like structure that extends from one of the vertical walls); a first roller means or roller (e.g., 24 and/or 25); a cutting means or cutter (e.g., 33) that clearly cuts along a cut line that extends across the platform; a controller (e.g., 61) detachably coupled to an input device (e.g., the input device being the preselector 60 and the controller being detachably coupled to the preselector by one or more wires); and a detector means or detector (e.g., sensor 62 and/or the encoder) supported on the platform, wherein the sensor along with the encoder can clearly detect/determine when respective markers are on opposite sides of the cut line). However, AP '692 lacks a cut line extending across a surface of the platform. Further, regarding claims 4, 5, 10-12 and 14-16, AP '692 lacks the specific type of cutter, specifically a disc cutter that is supported on a rail.

However, such cutters are old and well known in the art and provide various known benefits including a clean and even cut. Frederick discloses just one example of such a disc cutter wherein such a cutter is provided with a platform against which the cutting action is performed. Therefore, it would have been obvious to one having ordinary skill in the art to provide a disc cutter and rail along with the associated platform on the device of AP '692 for the well known benefits including those described above.

Regarding claims 2-8, 10-12 and 14-18, AP '692 discloses an apparatus/system with almost every structural limitation of the claimed invention but lacks a second sensor. However, the Examiner takes Official notice that it is old and well known in the art to provide a second sensor for various well known benefits including

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indicating/sensing when the workpiece has passed a second location in the device or a second marker on the workpiece has passed a second point. Such information is valuable for speed calculations as well as error indications (e.g., if the workpiece is damaged or otherwise incomplete). Stanley discloses one example of an apparatus that uses a second sensor. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second sensor on the device of AP '692 for the well known benefits including those described above.

Regarding claim 8, AP '692 lacks a second marker. However, the Examiner takes Official notice that it is old and well known in the art to provide a second marker for well known benefits including indicating where the workpiece begins and ends. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second marker for the well known benefits including that described above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', is positioned above the printed name.

Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
February 21, 2006